



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 23, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: None. Council Member Paul Joseph Escobar arrived at 9:50 a.m. Meeting was called to order and the invocation was given by Reverend David Grousnick, First Christian Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

1. Two Honorary Citizens

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No action was taken regarding the report from Mr. Patrick Abeln, Director of Aviation.

Mr. Patrick Abeln, Director of Aviation, presented Council Members with a PowerPoint presentation (on file in the City Clerk's office) regarding the functions of the Airport and the Air Cargo facilities. He emphasized the main responsibility of the Airport was safety, followed by customer satisfaction and convenience. He remarked that customers included not only passengers but also air cargo shippers, the maquilas in Juarez and Chihuahua, Mexico, and finally, transportation and manufacturing companies nationwide. He noted that the El Paso community has a fiscally sound airport due to setting and accomplishing priorities, building facilities in a timely manner and maintaining relationships with financial officers within City government. He noted that the airport's customers include corporate and private aircraft, military and governmental service to include NASA's training program for astronauts. He stated that the El Paso International Airport was situated on 7,000 acres and remarked that the new Air Cargo facility was the largest, most modern on the border. He noted that the six on-site hotels represent 12% of the City's hotel rooms adding over \$1 million dollars of revenue toward the Airport every year. He added that 3.5 million passengers come through the El Paso International Airport per year, the Air Cargo facilities move 100,000 tons annually, 133,000 aircraft operations (landing or takeoff) occur annually with nine commercial airlines operating from the Airport and seven major cargo airlines. He thanked his staff, the Fire Department, Police Department, EMS and many other City Departments for their diligent service toward the success of the El Paso International Airport. He noted that Ms. Leticia Ordoñez, Program Manager, secured approximately \$9 million dollars in federal monies to be utilized for Airport projects.

Mayor Raymond C. Caballero thanked Mr. Abeln for his presentation.
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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to submit the application and sign all required documentation and accept a grant award for the El Paso Police Department from the Office of the Attorney General, for funding over two fiscal years under the Victims' Assistance Discretionary Grant program in the amount of \$76,675.00 for FY02 and \$110,763.00 for FY03 for a total of \$187,438.00, to expand the Victim Services Response Team of the El Paso Police Department; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching or in-kind funds, and any documents to request and accept an extension of the award ending date for the grant.

The City agrees that it will not use the existence of a VADG award to offset or decrease total salaries, expenses, and allowances that the City will budget for its Police Department during the grant award periods. In the event of loss or misuse of VADG grant funds, the City of El Paso assures the Office of the Attorney General that the funds will be returned in full. No matching funds required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Professional Services Agreement between the City of El Paso and Harrel L. Davis III to provide professional legal services with respect to the Air Cargo Infrastructure Project.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Professional Services Agreement between the City of El Paso and BENTHUL & KEAN, LLP. to amend the scope of services and compensation.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION AUTHORIZING INTERVENTION BY THE CITY OF EL PASO IN PUC DOCKET NO. 26194, PETITION OF EL PASO ELECTRIC COMPANY TO RECONCILE FUEL COSTS

WHEREAS, the El Paso Electric Company provides, distributes electricity and provides electric services within the city limits of the City of El Paso, and

WHEREAS, the El Paso Electric Company filed a case entitled Petition of El Paso Electric Company to Reconcile Fuel Costs with the Public Utility Commission of Texas on July 1, 2002, and

WHEREAS, the Public Utility Commission of Texas has original jurisdiction over the case, and has given it Docket No 26194, and

WHEREAS, the decision in the case will affect rates to be paid by the City of El Paso and its Citizens and ratepayers, and

WHEREAS, pursuant to the Public Utility Regulatory Act, Texas Utilities Code Sec. 33.025, the City of El Paso has the right to intervene in any proceeding before the Public Utility Commission relating to an Electric Utility providing service to participate in the Fuel Reconciliation case.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Sec. 1. That the City of El Paso should participate in this fuel reconciliation case for the benefit of its Citizens and Ratepayers.

Sec. 2. That the Attorneys representing the City are directed and authorized to file a Motion in Intervention in the Petition of El Paso Electric Company to Reconcile Fuel Costs, PUC Docket No. 26194.

Representative Sariñana questioned whether the City was utilizing two different law firms for the same Docket.

Mr. Norman Gordon, attorney, responded that the City was utilizing a law firm, as well as a consulting firm, of which the experts, engineers and accountants, would review the actual fuel costs.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is authorized to sign an Agreement to Provide Professional Consulting Services between the City and Norman Gordon of Diamond Rash Gordon & Jackson, PC, in connection with the El Paso Electric Company Petition to the Public Utility Commission of Texas to Reconcile Fuel Costs.

See above for discussion.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is authorized to sign an Agreement to Provide Professional Consulting Services between the City and GDS, Associates, Inc. in connection with the El Paso Electric Company Petition to the Public Utility Commission of Texas to Reconcile Fuel Costs.

See above for discussion.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION AUTHORIZING ATTORNEYS AND CONSULTANTS TO SIGN PROTECTIVE ORDER IN PUC DOCKET NO. 26194, PETITION OF EL PASO ELECTRIC COMPANY TO RECONCILE FUEL COSTS

WHEREAS, the El Paso Electric Company provides, distributes electricity and provides electric service within the city limits of the City of El Paso, and

WHEREAS, the El Paso Electric Company filed a case entitled Petition of El Paso Electric Company to Reconcile Fuel Costs with the Public Utility Commission of Texas on July 1, 2002, and

WHEREAS, the Public Utility Commission of Texas has original jurisdiction over the case, and has given it Docket No. 26194, and

WHEREAS, the certain information relating contractual matters, mainly fuel contracts, has been filed as Confidential Information by El Paso Electric Company, and

WHEREAS, the Public Utility Commission has entered an order attached hereto as Exhibit "A" (Exhibit on file with this Resolution in the City Clerk's Office) requiring parties wanting to review the information to execute an agreement pursuant to the order, and

WHEREAS, the City Council finds that it is necessary for the attorneys and consultants representing the City to review this information in order to analyze the case.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Attorneys and Consultants representing the City are authorized to execute the agreement and acknowledgement provided for in the protective order in Docket No. 26194, Application of El Paso Electric Company to Reconcile Fuel Costs.

See page four for discussion.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIFTEEN THOUSAND EIGHT HUNDRED AND NO/100THS DOLLARS (\$15,800.00 - \$15,136 loan/\$664 grant) against the following described real property:

Lot 639, Block 25, of MOUNTAIN VIEW ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 2, Page 40, of the Plat Records of El Paso County, Texas; also known and numbered as 4941 Sierra Madre Drive, El Paso, Texas 79904.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of ONE AND 48/100THS DOLLARS (\$1.48).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVEN THOUSAND ONE HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 7,150.00 - \$6,675 loan/\$475 grant) against the following described real property:

Lot 10, Block 22, CEDAR GROVE PARK SUBDIVISION UNIT TWO REPLAT, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 3, Page 64, Plat Records of El Paso County, Texas; also known and numbered as 208 Elder Road, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE HUNDRED THIRTY-ONE AND 40/100THS DOLLARS (\$131.40).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND AND NO/100THS DOLLARS (\$ 10,000.00 - \$2,000 loan/\$8,000 grant) against the following described real property:

Lot 15, Block 11, THOMAS MANOR UNIT TWO, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 15, Page 60, Plat Records of El Paso County, Texas; also known and numbered as 315 Bernadine Avenue, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of FIFTY-SIX AND 95/100THS DOLLARS (\$56.95).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THIRTEEN THOUSAND THREE HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 13,350.00 - \$6,568 loan/\$6,782 grant) against the following described real property:

Lots 25 and 26, Block 42, ALTURA PARK ADDITION, an Addition to the City of El Paso, El Paso County, Texas, also known and numbered as 2912 Frankfort Avenue, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE HUNDRED SEVENTY-SIX AND 17/100THS DOLLARS (\$176.17).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THIRTEEN THOUSAND FIVE HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 13,550.00 - \$6,900 loan/\$6,650 grant) against the following described real property:

Lot 4 minus the South 1 foot, Block 2, PASADENA #2, an Addition to the City of El Paso, El Paso County, Texas, also known and numbered as 409 Dolan Street, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHT THOUSAND SIX HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 8,650.00 - \$3,920 loan/\$4,730 grant) against the following described real property:

Lot 2, Block 11, COLONIA DEL VALLE ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 37, Page 1, Plat Records of El Paso County, Texas; also known and numbered as 804 Monclova Lane, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to the August 1, 2001, Contract by and between the City of El Paso and United Cerebral Palsy of Texas, a tax-exempt, non-profit Texas Corporation, in the amount of \$75,000.00, to provide an Architectural Barrier Removal Program for Manufactured Housing. This amendment will extend the term of the Contract for an additional four (4) months until November 30, 2002. No additional funds will be required for this amendment.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in a vacated portion of Evergreen Street in Washington Park, E. R. Talley Survey No. 6, El Paso County, Texas.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement with transformer site to the El Paso Electric Company on a portion of Block 2, Tobin's Washington Park and a portion of Washington Park, E. R. Talley Survey No. 6, El Paso County, Texas.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewals with the Texas Department of Health:

Associate Commissioner for Family Health
Document No. 7460007499A-2003

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$10,000.00 from El Paso Electric and to sign related documents. The funds will help to cover the cost of conservation of the mural study *Pass of the North* by Tom Lea.

The total cost for conservation will be \$25,000.00. The work will be conserved by Tom Edmondson of Heugh-Edmondson Conservation Services in Kansas City, Missouri.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, underwriting support from various individuals, companies and foundations and to sign any related documents. The funds will be used to cover rental of \$75,000, shipping and insurance of \$25,000, and \$25,000 in marketing of the exhibition *Idol of the Moderns: Pierre Auguste Renoir and American Painting*. No matching funds are required.

***R E S O L U T I O N**

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF EL PASO, PURSUANT TO INTERNAL REVENUE CODE REGULATION SECTION 1.150-2(e), TO FINANCE CERTAIN EXPENDITURES TO BE INCURRED FOR YEAR 2002 AND 2003 CAPITAL ACQUISITION FROM THE PROCEEDS OF THE SALE OF CITY TAX-EXEMPT OBLIGATIONS. (FINANCIAL AND HUMAN RESOURCE SOFTWARE APPLICATIONS, IMPLEMENTATION SYSTEM, AND UPGRADE OF EXISTING FINANCIAL MODULES)

WHEREAS, the City of El Paso, Texas (the "City") is a governmental entity authorized to issue obligations to finance its activities pursuant to the laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes ("Tax-Exempt Obligations") pursuant to Section 103 of the United States Internal Revenue Code of 1986, as amended (the "Code"); and,

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition of financial and human resource software applications, implementation system, and upgrade of existing financial modules on Exhibit "A" attached hereto (Exhibit on file with this Resolution in the City Clerk's Office); and,

WHEREAS, the City has concluded that it does not currently desire to issue Tax-Exempt Obligations to finance the costs associated with the acquisition of the items listed herein; and,

WHEREAS, the City desires to reimburse itself for the costs associated with the items listed herein from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof; and,

WHEREAS, the City reasonably expects to issue Tax-Exempt Obligations to reimburse itself for the costs associated with the items listed on Exhibit "A" attached hereto (Exhibit on file with this Resolution in the City Clerk's Office); NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. The City Council hereby declares the intention of the City of El Paso, Texas, pursuant to Regulation Section 1.150-2(e) of the United States Internal Revenue Code, to finance expenditures to be incurred from the proceeds of the sale of the City's Tax-Exempt Obligations.

Section 2. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to a date that is sixty days prior to the date hereof and that are to be paid in connection with the acquisition of the items listed on Exhibit "A" attached hereto (Exhibit on file with this Resolution in the City Clerk's Office) from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof, for the project known as Financial System Implementation.

Section 3. The City reasonably expects that the maximum principal amount of Tax-Exempt obligations issued to reimburse the City for the costs associated with the property listed on Exhibit "A" attached hereto (Exhibit on file with this Resolution in the City Clerk's Office) will not exceed \$1, 800, 000.00.

Section 4. The Mayor is hereby authorized to make any necessary budget appropriations or adjustments to comply with the intent expressed in this resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Special Event Agreement between the City of El Paso, on behalf of the Parks and Recreation Department, with the Vietnam Veterans of America, authorizing the use of Sue Young Park from October 10, 2002 until October 14, 2002, for the American Veterans Traveling Tribute to include the 4/5 scale replica of the Vietnam Veterans Memorial.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **LENA E. HUERECA**, as a Graduate Intern for the Comptroller's Department at the rate of \$8.25 per hour, for a minimum of 20 hours per week not to exceed 40 hours per week. The term of the contract is from July 24, 2002 through December 19, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROBERT GUILLEN** as a Web Site Developer, for the El Paso Water Utilities Department at a biweekly rate of \$1,560.00, for 40 hours per week. The term of the contract shall be for the period of July 24, 2002 through July 23, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CHERYL A. BERNERO** as a Library Branch Manager for the El Paso Public Library at an hourly rate of \$18.38 for a minimum of 20 hours per week not to exceed 40 hours per week. The term of the contract shall be for the period of July 27, 2002 through July 26, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Contract between the **CITY OF EL PASO** and **DAVID GARCIA, PLANNED PARENTHOOD**, to conduct a presentation on Self Esteem on July 24, 2002 from 1:30 p.m. to 2:30 p.m. at the Armijo Branch Library. There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **STEPHEN YANG**, to present a series of TAI CHI programs at the Richard Burgess Library on Sundays beginning July 24, 2002 through September 8, 2002, from 3:00 p.m. to 4:00 p.m. The total amount of the contract shall not exceed \$200.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SHEILA D. PUCKETT** as a Secretary I for the Mayor's Office at an hourly rate of \$9.98 for 40 hours per week. The term of the contract shall be for the period of July 24, 2002 through July 23, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JULIE FONSECA DE BORGES** as a School Services Coordinator, for the El Paso Museum of Art at a biweekly rate of \$1,057.69, for 40 hours per week. The term of the contract shall be for the period of August 5, 2002 through August 4, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

LEONA FORD WASHINGTON COMMUNITY CENTER
DEPARTMENT ID: 51510081, ACCOUNT 502214

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|----|--------------|------------------------------------------|
| 1. | CONTRACTOR: | Ida Ramirez, Aerobic Instructor |
| | DATES: | September 3, 2002 thru February 27, 2003 |
| | RATE PER CL: | \$13.70 |
| | MAXIMUM AMT: | \$1,370.00 |
| | CONTRACT: | 2002/2003-002 |

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the City of El Paso, a Utility Accommodation Policy Declaration for submittal to the State of Texas, acting by and through the Texas Department of Transportation ("TxDOT"), in conjunction with the project for the construction of improvements in City rights of way on Alabama Street at McKelligon Canyon Road, Lee Trevino Road at Montwood Road, and Fred Wilson Avenue at Marshall Road.

Ms. Teresa Quezada, Assistant Director of Public Works, explained that the City would be responsible for a 20% match regarding these intersection improvements to include concrete paving of the intersections. She noted that the Utility Accommodation Policy would allow the City to utilize its policy rather than the State's policy.

Representative Power thanked Ms. Quezada and all those involved.

Motion made by Representative Power, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.
Representative Escobar was not present for the vote.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the City of El Paso, a Local Project Advance Funding Agreement between the City and the State of Texas, acting by and through the Texas Department of Transportation ("TXDOT"), for rehabilitation and construction of improvements to the roadway on SH 20 (Alameda Avenue) from Piedras to Boone; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution. The City's cost estimate equals \$2,800,000.00.

Representative Medina asked for elaboration on the project.

Ms. Teresa Quezada, Assistant Director of Public Works, explained that the project would be overseen by the State of Texas for improvements along Alameda from Piedras to Boone. She noted that the Texas Department of Transportation would be the Project Manager at a total cost of \$7.14 million dollars. She explained that the City's contribution would satisfy the Minute Order, approved by the City, towards the \$4 million dollar contribution for the entire corridor. She explained that the State Department of Transportation had prepared a feasibility study for the corridor and has broken the corridor into manageable projects.

Representative Medina remarked that the City had never wavered regarding its \$4 million contribution.

Ms. Quezada mentioned that the 1994 Bond Authorization for \$20 million was approved for street improvements, of which \$4 million could be used toward improvements along Alameda, provided the projects were developed within a four-year timeframe. She added that if the monies were not utilized within the four-year timeframe, Council would have the ability to reprogram the funds for other street projects as per the wording in the Bond issue. She noted that the City had contributed \$200,000.00 towards the feasibility study. She explained that City funds would be spent on construction rather than studies and/or designs. She mentioned that \$1 million had yet to be spent on TXDOT project(s). She stated that the design phase had been completed and bids had been opened earlier in the month by TXDOT; however, the award of the bid had not yet occurred. She would report to Council when the actual construction would begin.

Mayor Raymond C. Caballero noted that Alameda was represented by four Council Members and was very pleased to see the project progressing. He thanked the Public Works and TXDOT for their cooperation on the project.

Representative Cobos questioned what types of bonds were utilized for the Alameda project.

Ms. Quezada responded General Obligation bonds.

Representative Cobos questioned the interest on the bonds.

Mr. Bill Chapman, Chief Financial Officer, responded five to six percent. He explained that the money had been spent after the time limit had lapsed and the monies were shifted to other street projects. He noted that the City would be utilizing other funds to cover the project funding.

It was noted for the record that the project is in District 8 and not District 3 as shown on the agenda.

Motion made by Representative Cobos, seconded by Representative Medina and unanimously carried to approve the above Resolution.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to reconsider the following Resolution.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign, on behalf of the City, a Local Transportation Project Advance Funding Agreement between the City of El Paso and the State of Texas, on behalf of the Texas Department of Transportation, for a Safety Hazard Elimination Project ("STP") to provide the local match for safety lighting at the street intersections of Lomaland at Pellicano, Lomaland at Trawood, Lomaland at Vista Del Sol, and Lee Boulevard at Robert Wynn; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

Ms. Teresa Quezada, Assistant Director of Public Works, explained the language revision for Council Members.

NOTE: Resolution was revised to read "Lee Boulevard at Robert Wynn";

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution, as amended.
Representative Escobar was not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with the DEL NORTE TITLE, L.L.C. to lease the company Two (2) 32 Gallon Containers and Nine (9) 8 Gallon Baskets for a service fee of \$5.00 each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION FOR TEXAS TRAVEL INFORMATION CENTER, to lend it Five (5) 32 Gallon Containers for its recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

*Motion made, seconded and unanimously carried that the street improvements in the Villa Del Este Unit Three Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Hunter Hill Way – from Pebble Hills Boulevard to the end of the cul-de-sac in front of Lot 4, Block 20

*Motion made, seconded and unanimously carried that the street improvements in the Upper Valley Place Unit Two Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Al Smith Lane – from the beginning of the cul-de-sac in front of Lot 1, Block 1 to the End of the cul-de-sac in front of Lot 16, Block 2
Scott Lane - from Valley Road to the end of the cul-de-sac in front of Lot 29, Block 2
Lettica Lane - from Al Smith Lane to Scott Lane

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the Ranchos Del Sol Unit Six Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Roberta Lynne Drive – from the westerly property line of Lot 1, Block 17 to the end of the cul-de-sac in front of Lot 17, Block 17
Pony Trail Place – from Roberta Lynne Drive to the end of the cul-de-sac in front of Lot 4, Block 17
Golden Trail Lane - from Roberta Lynne Drive to Rancho Trail Drive
Rancho Trail Drive – from Thunder Trail Drive to Ted Houghton Drive
Thunder Trail Way – from the westerly property line of Lot 26, Block 18 to Eagle Heart Drive
Eagle Heart Drive – from Double Jay Drive to the end of the cul-de-sac in front of Lot 35, Block 19
Bronco Buster Lane – from the cul-de-sac west of Eagle Heart Drive to the easterly cul-de-sac west of Eagle Heart Drive to the easterly cul-de-sac
Double Jay Drive – from Whirlaway Drive to Eagle Heart Drive
Western Spur Lane – from Bronco Buster Lane to the end of the cul-de-sac in front of Lot 15, Block 19
Trail Blazer Drive - from the westerly property line of Lot 1, Block 18 to the end of the cul-de-sac in front of Lot 5, Block 18

Drainage Improvements:

Ponding Area – at Lot 11, Block 20; with a 2.34 ac. Area and a 9.13 ac-ft. Capacity; 1058 ft. x 6.0 ft. high of Rockwall Fence; with an 18.0 ft. Double Swing Gate; 2-Thrust Block Structure; 510 ft. sidewalk; 210 ft. of 36.0" R.C.P.; and 44 ft. of 18.0" R.C.P.
15.0 ft. Drainage Easement – between Lots 10 & 12, Block 20; 210 ft. of 36.0" R.C.P.
Bronco Buster Lane – 1-3 Grate Storm Drop Inlet
Double Jay Drive – 1-2 Grate Drop Inlet Type I; 44 ft. of 18.0" R.C.P.; and 1-2 Grate Drop Inlet Type II

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the Loma Linda Unit Two Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Carlos Moran Court – from the south property line of Lot 23, Block 5 to Desert Keep Drive
Yellow Rose Street – from the south property line of Lot 59, Block 4 to the north property line of Lot 36, Block 1
Desert Keep Drive – from Yellow Rose Street to the east property line of Lot 4, Block 7
Maquitico Court – from Yellow Rose Street to the end of the cul-de-sac in front of Lot 4, Block 7
Diana Lynn Court – from Angel Face Street to the east property line of Lot 4, Block 8
Bell Tower Drive – from Yellow Rose Street to the east property line of Lot 9, Block 8
Angel Face Street – from Desert Keep Drive to the north property line of lot 28, Block 9

Patrick James Court – from Angel Face Street to the end of the cul-de-sac in front of Lot 20, Block 9
Saul Kleinfeld Drive – from the south property line of Lot 18, Block 9 to the north property line of Lot 21, Block 9

Drainage Improvements:

Desert Keep Drive – 1-6 Grate Drop Inlet Type I
15 ft. Drainage Easement – 113.0 ft. of 24.0" R.C.P.

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*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Accountant I (1)

.....
*Motion made, seconded and unanimously carried to approve the request from Mario A. Ortega of the Solid Waste Management Department for Special Sick Leave.

.....
*Motion made, seconded and unanimously carried to re-appoint David Porras, Jr. to the Public Utility Regulation Board by Representative Power.

.....
*Motion made, seconded and unanimously carried to appoint Javier Flores to the Charitable Solicitations Commission by Representative Medina.

.....
*Motion made, seconded and unanimously carried to appoint Oscar Ornelas to the Revolving Loan Fund Board by Mayor Raymond C. Caballero.

.....
*Motion made, seconded and unanimously carried to appoint Rolando Quintana (REGULAR member) to the Building and Zoning Advisory Committee (BZAC) by Mayor Raymond C. Caballero.

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID Y805-999-0280-1040, \$1,040.63 per month installments on a balance of \$6,243.78 for 2001 taxes; Joel Corte – 7705 Alameda.
- B. PID #S669-999-0010-3300, \$2,273.27 per month installments on a balance of \$20,459.43 for 1999 taxes; Palatine Hill N.V. c/o Mayfield Perrenot – 4151 Mesa.
- C. PID #H788-010-0490-0250, \$184.80 per month installments on a balance of \$2,217.60 for 2001 taxes; Richard & Sandra Gil – 361 Brill Cir.
- D. PID #'s L447-999-073D-6400, L447,999,073D-3600 & L447-999-088A-4100, \$1,250.09 per month installments on a balance of \$7,500.54 for 2001 taxes; Ebros Properties c/o John Elias – 3610 Keltner Ave.
- E. PID #'s T251-999-0110-6100 & C736-999-0040-1300, \$445.25 per month installments on a balance of \$2,671.50 for 2001 taxes; Alma Rodriguez – 7757 Toltec Dr.
- F. PID #P920-999-0010-0100, \$252.61 per month installments on a balance of \$3,031.32 for 2001 taxes; Ruben & Maria E. Olivas – 241 Elvin Way.
- G. PID #V150-999-000C-4100, \$374.73 per month installments on a balance of \$3,372.57 for 2001 taxes; Francisco L. & Myrna E. Canales – 7166 Alameda.
- H. PID #Y848-999-0000-0100, \$3,711.54 per month installments on a balance of \$33,403.86 for 2001 taxes; Anne Morgan Lilly – 9033 Billy the Kid.
- I. PID #C340-999-0460-3700, \$211.00 per month installments on a balance of \$2,532.00 for 2001 taxes; Maria D. C. Aguirre – 7016 Villa Hermosa.

- J.** PID #C962-999-0010-0150, \$1,050.05 per month installments on a balance of \$7,350.35 for 2001 taxes; Gilberto Castano – 4915 Crossroads.
- K.** PID #W813-999-0110-2500, \$695.15 per month installments on a balance of \$4,170.90 for 1999 taxes; Ann Floyd – 5740 Cleveland Ave.
- L.** PID #V893-999-5310-3750, \$335.93 per month installments on a balance of \$2,015.58 for 2001 taxes; Florencio F. Rosales – 12297 Amstater.
- M.** PID #'s L064-999-0010-7300, E014-999-0820-5600, F607-999-0530-5600 & M329-999-0130-1500, \$672.89 per month installments on a balance of \$4,037.34 for 2001 taxes; Ricardo T. Jr. & Carmen Solis – 8129 Valley View Dr.
- N.** PID #W418-999-0050-0500, \$1,026.04 per month installments on a balance of \$3,078.12 for 2001 taxes; Raymundo Rojo – 656 Rosinante.
- O.** PID #U819-999-006A-1877, \$284.65 per month installments on a balance of \$3,415.80 for 1998 & 2000 taxes; Ben & Becky Torres – 5617 Melody.
- P.** PID #P795-999-2850-5300, \$239.32 per month installments on a balance of \$2,871.84 for 2000 taxes; Ramon & Eileen Serna – 1005 Arizona Ave.
- Q.** PID #U819-000-0160-11C0, \$330.69 per month installments on a balance of \$3,968.28 for 2001 taxes; Larry Goodman – 6710 Westside.
- R.** PID #Y805-999-0060-1260, \$1,500.46 per month installments on a balance of \$9,002.76 for 2000 taxes; Bruce C. Duncan – 8761 N Loop Drive.
- S.** PID #0824-000-2689-0056, \$362.12 per month installments on a balance of \$2,896.96 for 1999, 2000, 2001 taxes; Duran & Sons Diesel Service c/o Conrado Duran – 14300 Peyton.
- T.** PID #V893-999-4130-1400, \$286.73 per month installments on a balance of \$2,007.11 for 2001 taxes; Jose L. Guzman – 11704 Scott Simpson.
- U.** PID #0820-999-1043-0034, \$4,492.66 per month installments on a balance of \$26,955.96 for 2001 taxes; Inmex c/o Sergio Herrera – 3434 Durazno.
- V.** PID #'s S029-999-0290-0900 & Y805-999-0140-0120, \$545.64 per month installments on a balance of \$6,547.68 for 1998, 1999, 2000 & 2001 taxes; Eduardo & Rayo Villalva – 621 Venado Dr.
- W.** PID #N515-999-0010-1700, \$467.93 per month installments on a balance of \$5,615.16 for 1996, 1997, 1999, 2000 & 2001 taxes; Victor & Martha A. Vazquez – 151 Palla St.

.....
 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A.** TBW Mortgage, in the amount of \$1,518.38; overpayment of 2001 taxes.
 (PID #D047-999-0130-8100)
- B.** Union Planters Bank, in the amount of \$1,750.51; overpayment of 2001 taxes.
 (PID #V893-999-3290-2300)
- C.** Union Planters Mortgage in the amount of \$919.74; overpayment of 2001 taxes.
 (PID #V893-999-5470-5200)
- D.** Wells Fargo Home Mortgage, in the amount of \$2,096.43; overpayment of 2001 taxes.
 (PID #V897-999-0670-4100)
- E.** TBW Mortgage, in the amount of \$1,296.98, overpayment of 2001 taxes.
 (PID #V927-999-0510-4300)

.....
 *Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2002-156 for "Containers, Front Load, Six Cubic Yard", with Met-Tech, Inc.

Department(s): Department of Solid Waste Management
 Funds Available: 04250203-27252-PMB0003160-508008
 Funding Source: FY02 Cert. OB Equip. SW Equip.
 Item(s): Item 1

Containers, Front Load, Six Cubic Yard - Slant Style
8 each @ \$485.00/each
Item 2
Containers, Front Load, Six Cubic Yard - Flat Style
8 each @ \$520.00/each

Award Amount: \$8,040.00

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-191 Armored Car Services for Various Departments

Award to: Miracle Delivery
El Paso, Texas

Item (s): 1-2-3-4
Amount: \$18,480.00

Department: Various
Funds available: Various
Funding source: Various
Total award: \$18,480.00

The Tax Office, Municipal Court and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid and Miracle Delivery meets the City's requirements.

This is a thirty-six (36) month contract with option to extend the contract for one (1) additional year.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2002-122 Veterans Pool Roof Reconstruction & Mechanical Improvements

Representative Cobos commented on the funding source, 1998 Certificates of Obligation, and stated for the record that he would not support any more issuance of Certificates of Obligation until outstanding CO's had been spent in their entirety.

Representative Sumrall agreed with Representative Cobos' comments.

Mr. Ray Gilbert, citizen, commented on the County's handling of its funding and the City's Quality of Life Bond project spending. He reminded Council Members that CO's are to be issued for public safety and public health matters. He stated that language in the City Charter prohibits Council Members from issuing Certificates of Obligation and noted the voters would approve a bond election if the equipment/materials were essential and/or necessary for public health and safety. He added that Council Members should not approve the bid due to the funding source and that monies were available elsewhere.

Representative Medina stated that the City was very responsible in its debt obligation and utilized the example of El Paso being in the bottom third of municipalities, around the country, in debt ratio per capita. He agreed with Representative Cobos that the City should not hold CO's for long periods of time, but rather spend the monies in a timely manner.

Representative Cook stated he does not agree with spending Certificates of Obligations for Quality of Life issues; however, the responsible handling of the matter would be to move forward with the project.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to award Bid No. 2002-122 Veterans Pool Roof Reconstruction & Mechanical Improvements

Contractor: Silverton Construction Company, Inc.
El Paso, Texas

Department: Parks
 Funds Available: 31135001-P501543-27121-508027
 Funding Source: FY 1998 CO's
 Items: Base Bid I \$876,000.00
 Total Award: \$876,000.00

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to Silverton Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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 *Motion made, seconded and unanimously carried to award Bid No. 2002-124 Airless Sprayers

Award to: JCL Equipment
 Xenia, OH
 Item (s): 1 with Optional Items O4, O7, O8, O9, O10, O11, O12, O13, O14, O15, O16, O17
 Amount: \$24,968.64

Department: Street
 Funds available: 04250101-508009-PMB0001130
 Funding source: FY2000 Contractual Obligations
 Total award: \$24,968.64

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties. A lower bid was received, but did not meet specifications.

This is a fixed-price, single (one-time) purchase, to purchase six (6) Airless Sprayers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

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 *Motion made, seconded and unanimously carried to award Bid No. 2002-151 South Ramp Drop Inlet Repairs Southwest Gate B-1

Contractor: Silverton Construction Company, Inc.
 El Paso, Texas
 Department: EPIA
 Funds Available: 62620029-PAP0021-41059-508027
 Funding Source: FY2002
 Items: Base Bid I \$81,419.00
 Total Award: \$81,419.00

The Departments of Purchasing, Engineering, and El Paso International Airport recommend the award of this contract to Silverton Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-888 PARKS
This budget transfer recognizes actual revenues from Parkland Dedication Fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication Fees are paid by developers based upon City Ordinance.

Increase	\$6,600	to	51159242/P51800085816336/405060	Donations
Increase	\$6,600	to	51159242/P51800085816336/508004	PubUseFac

.....
*Motion made, seconded and unanimously carried to approve the request of Abundant Living Faith Center to use amplification (mixer-650 watts; 3 microphones; 2 speakers) at Carolina Recreation Center parking lot on July 27, 2002 from 7:00 a.m. to 1:00 p.m. Approximately 6 persons will use amplification and 1,500 spectators are anticipated. PERMIT NO. 02-087

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*Motion made, seconded and unanimously carried to approve the request of Citizens For Family Values to hold a walk on July 27, 2002 from 10:00 a.m. to 12:00 noon. Route: Sidewalk at 4800 Block of Montana. Approximately 50 persons will take part. PERMIT NO. 02-088

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*Motion made, seconded and unanimously carried to approve the request of Jessie Williamson to block off Manuel between Kilburn and Akron on August 6, 2002 from 6:00 p.m. to 10:00 p.m. for a National Night Out block party. Approximately 50 persons will take part and 50 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-091

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ORDINANCE 15150

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1 AND 2, BLOCK 8, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS (SAUL KLEINFELD DRIVE AND PRATT AVENUE) FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Power questioned whether there had been any opposition to the zoning change.

Ms. Patricia Adatao, Director of Planning, responded no and explained the details of the zoning change for Council Members information. She noted that Police and Planning Departments recommended denial at the DCC (Development Coordinating Committee) meeting; however, the majority vote was to approve. She explained the reasoning(s) as to why the Planning and Police Departments were opposed.

Representative Power questioned what types of businesses would be located in this area.

Ms. Adatao explained the zoning change was for a proposed Church Book Store to abut the church facility.

Mr. Bradley Roe, Roe Engineering, L.C., explained the retail space would be 25,000 square feet, 200 feet deep, normally allowed in C-1 zoning change, compatible with residential zoning. He noted that the church facility would include a recording studio to enable the church to record its services, the area of which would measure 6,000 square feet.

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Rodriguez, seconded by Representative Sumrall and carried to deny an Ordinance changing the zoning of a portion of Tract 10, Section 9, Block 81, Township 2, T & PRR SURVEYS, El Paso, El Paso County, Texas (4700 Block of Hondo Pass) from A-M (Apartment-Mobile Home Park) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Grace Roller, formally known as Grace M. Chenault, Individually and as Trustee in Trust of the Wells-Belew Trust, dated 6/28/71/ Representative: Roe Engineering, L.C., 601 N. Cotton, Suite 6, El Paso, TX. 79902. ZC-02020

Mayor Raymond C. Caballero explained that the Ordinance was a highly contested zoning and that he would allow each side, pro and con, five minutes to speak.

Representative Sariñana questioned Ms. Patricia Adatao, Director of Planning, as to whether the proposed zoning change would require a 211.006(d).

Ms. Adatao responded yes.

Representative Sariñana questioned whether Ms. Adatao was able to obtain signatures for residents residing in the Housing Authority unit.

Ms. Adatao remarked that the Planning Department had received one letter from the Housing Authority, owner of Roosevelt Memorial Center complex. She added that accompanying the Housing Authority letter was a petition containing 72 signatures of tenants residing in the complex.

Representative Escobar noted these signatures were of "tenants" and not owners.

Ms. Adatao clarified that the Housing Authority was the record owner and noted the Housing Authority Board had voted, by Resolution, to forward a letter of protest to the Planning Department regarding the rezoning case. She stated that because the Housing Authority owned the property to the west and south abutting the site, the 211.006(d) would be invoked. She clarified that the number of affirmative votes required to pass the zoning change would be seven, not six as previously stated.

Representative Sariñana explained that he had received calls to his office from residents living in the Housing Authority complex complaining that they had been forced to sign the petition. He noted that a woman, Ms. Calistra, had forced these individuals to sign the petition.

Mayor Raymond C. Caballero instructed Representative Sariñana to provide the names of the individuals who had singled out Ms. Calistra as forcing them to sign said petition. He stated that following today's Council Meeting, the Police Department would take a full statement from Representative Sariñana.

Representative Escobar questioned Ms. Adatao as to the number of zoning change requests for funeral homes.

Ms. Adatao recalled three zoning change requests for funeral homes and noted the address for these as McClintock and Doniphan, which abuts a senior housing complex; Orizaba and Resler, which abuts quadrplexes and single family residential; and Cloudview and Resler, which abuts single family residential. She did not recall any opposition to the above mentioned zoning change requests.

Representative Rodriguez asked that Representative Escobar make his decision based on the facts pertaining to this particular zoning change request only. She addressed Representative Sariñana's comment regarding forcing residents to sign a petition, she clarified that during a community meeting the residents had been asked to stand and state their comments and/or concerns.

Representative Sumrall stated that after discussing the issue with various individuals it had come to her attention that: 1. the property had not yet been purchased; and 2. the Housing Authority had planned to purchase the land in question and utilize it as a recreation center.

Representative Cook pointed out that he had been assisting Ms. Roller dispose of the property for many years. He noted that the property was located next to the Housing Authority and he had experienced difficulties in acquiring any interest in the property. He questioned that if the Housing Authority had any real interest in the property, why had they not moved forward years ago. He asked Ms. Adauto what type of structures could be built on a C-2 zoning.

Ms. Adauto responded all the C-1, light retail commercial uses, funeral homes, car washes, in addition to some automotive uses. She noted that the property was 2.3 acres in size, currently zoned A-M, which allows all kinds of residential uses, including mobile home park and bed and breakfast establishments. She pointed that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) investigated all potential uses permitted in the zone, not just the request for a funeral home. She noted that changes could be initiated in the future. She stated that the Housing Authority had no objection to the zoning but was objecting to the use, that of a funeral home. She noted that Hondo Pass Drive was a minor arterial and Traffic Engineering had explained that traffic, generated by the use of the funeral home, could be supported by the existing road infrastructure. She commented that the Plan for El Paso had zoned the area Mixed Use and the requested C-2 would be compatible with the other zoning and uses within the area. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended unanimous approval for the requested zoning change.

Representative Power questioned Ms. Adauto whether the individuals requesting the zoning change would agree to raise the height of the rock wall located in the back.

Ms. Adauto deferred the question to the applicant's representative and noted that the Code requires a six foot high minimum rock wall surrounding the property, as required between Commercial and "A" zoned property. She noted that the maximum height would be eight feet with concurrence from both owners, the owner on both sides of the rock wall.

Mr. David Escobar, representing Grace Roller, applicant, and representing owner/purchaser of the property, stated that the property was under contract, subject to the approval of the zoning change. He stated that if the zoning change were not approved, the property would not be purchased. He noted that iron bars extend five or six feet from atop the already existing six-foot rock wall. He deferred the remaining allotted time to respond to the questions/comments raised by the opposition.

Mr. Rudolph Montiel, President and CEO of the Housing Authority, presented slides and provided information regarding the Roosevelt Housing Authority for Council Members. He noted that the Housing Authority must bring the concerns of the residents to governmental agency when their best interests and quality of life issues are in jeopardy. He noted that the Roosevelt Community sits up above the vacant lot, the rock wall did not sufficiently shield the residents from the development. He explained that looking from the Housing Authority toward the development, the wall was shortened. He suggested the funeral home investigate the lot next to the Sonic Drive In, or other vacant lot areas, which would negate the opposition from the Housing Authority residents. He respectfully requested Council Members deny the zoning change request and asked residents to make comments.

A woman resident of Roosevelt Housing Authority complex, commented in Spanish and Ms. Diana Nuñez, Deputy City Clerk, translated.

Representative Sumrall asked Mr. Montiel whether the Housing Authority Board would be agreeable to convert the property into a recreational area for the residents.

Mr. Montiel responded he would be prepared to take the suggestion of a recreational facility to the Board of the Housing Authority and noted that the Housing Authority had the financial means, under the Capital Funds guidelines, of constructing such a community center for the Housing Authority residents.

Representative Cobos thanked Mr. Montiel for his work with the Housing Authority and asked him whether he would commit the Housing Authority to constructing a community center for the residents if the zoning change were denied and questioned whether the land in the middle of the housing complex could not be utilized as a recreational facility. He asked whether Mr. Montiel's presence at Council meeting today was to leverage Council to not pass the zoning change request so that the Housing Authority could purchase the vacant property for its own use.

Representative Cook explained the area was a "play field".

Mr. Montiel responded to Representative Cobos' comments and explained that the open area would be utilized as parking spaces. He responded that in speaking to the residents of the Housing Authority communities throughout the City, they lack the opportunities and facilities they should have; therefore, the Housing Authority will be aggressively improving these complexes and improving the quality of life for its residents.

Representative Cobos questioned whether the Housing Authority might utilize another vacant lot area south of the Roosevelt complex. He also questioned whether Mr. Montiel had invited all the families of the Roosevelt complex to the community meeting.

Mr. Montiel responded that the area in question was not part of the applicant's property. He responded that the Housing Authority had gone door-to-door to invite all residents to the community meeting; however, due to prior obligations and/or commitments not all residents could attend. He noted that there were 72 signatures on the petition. He explained that the residents were concerned with: 1. safety and lifestyle of the children. He elaborated that children may investigate the trash bins of the funeral home, in addition the children may become loud during funeral processions and or funeral services for which the police may be called in. He stated that the second concern was with environmental concerns such as odors coming from the funeral home and finally, the most compelling argument was in reference to the psychological impact having a funeral home located next door to their home. He utilized the example of the elderly residents being reminded of their impending demise.

Representative Cobos questioned whether the Housing Authority would be opposed to having a convenience store located on the same property.

Mr. Montiel noted that the opposition may not have been so prevalent due to the residents procuring services from said convenience store and/or possible future employment.

Representative Cook noted that there was an existing recreational facility, located approximately three blocks from the Housing Authority complex, in addition to a senior center that had been built by the City of El Paso.

Mr. Montiel responded he was aware that these facilities existed; however, the Housing Authority community centers were for the residents only and would be much smaller in size. He explained that if the City facility provided the same type services such as nighttime computer training classes, the residents could/would utilize the City facilities.

Representative Power questioned how long the Roosevelt Community Housing complex had been in existence. He noted that vacant property was located to the west and east of the housing complex and questioned whether the Housing Authority had expressed to the residents if they oppose the zoning change, the Housing Authority would construct a recreational center on the same vacant lot.

Mr. Montiel responded since 1977 and explained that the Housing Authority had been researching a location for a community center for approximately one year. He responded no and explained that until the Housing Authority had realized the residents were opposed to this zoning change and what their true desires were, the Housing Authority has since moved forward with the proposed community center.

Representative Power remarked that the Housing Authority should have built the community center prior to the requested zoning change. He questioned how far to the east would the funeral home need to be built to satisfy the Housing Authority.

Mr. Montiel utilized the slides provided for Council Members information and demonstrated as to exactly where the funeral home and screen wall should be built.

Representative Escobar commented on a funeral home located on the east side of El Paso and the close proximity of an apartment complex, single family residences and shopping center. He stated he had not received any complaints regarding the funeral home from any of the residents and/or business owners within close proximity.

Representative Sumrall noted that the residents do object to the idea of a funeral home located next to their home and their concerns should be taken seriously.

Representative Escobar clarified that an interest in the property had been established and that interest could possibly generate sales taxes, in addition to property taxes. He sees this as a commercial venture that may generate taxes and economic development on vacant property.

Mr. David Escobar noted that his client was concerned about the residents and their complaints. However, he noted that at a June 6, 2002, City Plan Commission meeting he had offered to meet with the residents, through Mr. Montiel's approval, to explain what the project would entail. He remarked that the petition contained 72 signatures, of the 400 residents, of which 58 apartments were represented, for a total of 18% opposition, clearly not the majority of residents. He stated he believed that a funeral home would not endanger the children and funeral homes normally conduct the majority of their business during hours in which the children would be in school. He remarked that funeral homes were quiet atmospheres not conducive to creating noise and nothing ugly would be found in the trash cans as there are very stringent State requirements as how the remains should be handled. He explained that it would be ludicrous to discuss the noise levels generated by the children playing outside the proposed funeral home and added that formaldehyde has no smell. He emphasized that a funeral home exists across the street that could be seen by the housing authority residents. He asked that Council consider that 18% surrounding the proposed zoning change were against it.

Representative Sariñana questioned how Mr. Escobar had come to the 18% number of residents in opposition.

Mr. Escobar explained that 72 signatures were written on the petition, out of the 400 residents or 146 units with approximately four residents per unit.

Mayor Caballero stated that 40% of the residents who had voiced their opinions in opposition of the zoning change, was quite commendable.

Ms. Adauto explained that the calculation for the 211.006(d) was based on land area and number of *owners* who forward written opposition to the Department. She noted that one owner whose property was within 200 feet of the proposed zoning change, that owner was the Housing Authority. She remarked that of the land area, within 200 feet of the site, represented 2.23 acres, the Housing Authority owns 2.79 acres of land within the site, representing 45% of the total land area.

Representative Sariñana asked Mr. Montiel to define who “we” was and asked if he could have a copy of the sign in sheet.

Mr. Montiel explained that “we” encompassed three or four staff members and he noted those names for Representative Sariñana's benefit.

Representative Rodriguez asked Mr. Montiel how much notice was given to the residents regarding the meeting.

Mr. Montiel stated the residents were given a 48-hour notice.

Representative Rodriguez remarked that even though the notice was rather short, many residents, members of the Housing Authority and others were present. She then moved to deny the Ordinance, Representative Sumrall seconded.

Representative Cobos commented on the language on the sign in sheet.

Mr. Montiel responded that two forms were available and the document referred by Representative Cobos was a separate document.

Representative Cobos questioned whether anyone under the age of 18 had signed the sheet.

Mr. Montiel responded he did not believe so.

Representative Cobos questioned members of the Housing Authority complex whether they had been promised a recreation center if they opposed the zoning change.

Mr. Jose Antonio Silva, proud resident of the Roosevelt Community, responded that the residents had been providing the Housing Authority the suggestions of a possible recreation center and/or a swimming pool. He noted that there had been no such discussion promising a recreation center if the residents would oppose the funeral home.

Representatives Sumrall and Representative Rodriguez voted Aye to deny the zoning change. Representatives Medina, Cook, Power, Escobar, Sariñana and Cobos voted Nay.

Mayor Raymond C. Caballero explained that the zoning was not approved.

Motion made by Representative Cook, seconded by Representative Cobos and carried to approve the above Ordinance.

Representatives Sumrall and Rodriguez voted Nay.
Representatives Medina, Cook, Power, Escobar, Sariñana and Cobos voted Aye.
The zoning change was not approved due to lack of seven affirmative votes from Council required by 211.006(d).

NOTE: District Number was revised to District 2.

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ORDINANCE 15151

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING MARISOL MARQUEZ TO USE A PORTION OF ARLINGTON PARK FROM 1:00 PM UNTIL 3:00 PM ON SEPTEMBER 14, 2002**

Motion duly made by Representative Sumrall, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Escobar was not present for the vote.

ORDINANCE 15152

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF A DEDICATED ALLEY WITHIN BLOCK G, SUPPLEMENTARY MAP NO. 2 OF MONTOYA TOWNSITE, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representative Sumrall stated she was relieved that this Ordinance was finally on the Agenda for approval and thanked Ms. Patricia Adatao, Director of Planning, for her diligent work and effort on the project.

Ms. Adatao asked that a revision be made in the body of the Ordinance and read into the record the revision; "to retain the entire length and width of the alley as a utility *and drainage* easement".

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Escobar was not present for the vote.

ORDINANCE 15153

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF EXHIBIT TECHNICIAN AND CHANGE THE TITLE TO ZOO EXHIBIT TECHNICIAN**

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Escobar was not present for the vote.

NOTE: Ordinances 15153, 15154, and 15155 were considered together.

.....
ORDINANCE 15154

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF SENIOR LATENT PRINT EXAMINER**

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Escobar was not present for the vote.

NOTE: Ordinances 15153, 15154, and 15155 were considered together.

.....
ORDINANCE 15155

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF LATENT PRINT EXAMINER**

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Escobar was not present for the vote.

NOTE: Ordinances 15153, 15154, and 15155 were considered together.

.....
ORDINANCE 15156

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT BETWEEN THE CITY AND TENET HOSPITALS, LTD., D/B/A SIERRA MEDICAL CENTER FOR THE LEASE OF A PORTION OF THE ARMIJO COMMUNITY CENTER, LOCATED AT 710 EAST SEVENTH STREET FOR THE PURPOSE OF OPERATING A TEEN HEALTH RESOURCE CENTER FOR A TERM OF FIVE (5) YEARS.**

Motion duly made by Representative Cobos, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of May 14, 2002, for the property located at 4806 Atlas Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner(s) of this property, The Estate of Leopoldo Mimbela, 10443 Triumph Drive, El Paso, TX 79925 has been notified of the violations at this property.

.....
Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to reject all bids submitted for Bid No. 2002-136, Walter Jones / George Perry Landscaping as recommended by the Departments of Engineering, El Paso International Airport, and Purchasing.

Specifications will be reviewed and a new solicitation will be issued at a later date.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion on availability of public restrooms in Downtown El Paso. (Anita Blair)

.....
No action was taken regarding Dis/Adoption/Resolution the very much need on the Council Member's to be courteous educated ie Mrs. Sumrall complete disrespect of my mother's ability to liquidate her utility bills, when said Public Servant stated that she will not be carried at rate payers expense, public apology. (Leopoldo E. Sierra)

Mr. Leopoldo E. Sierra, citizen, commented on being respectful to others and noted that during a previous City Council meeting he had requested that the utility companies provide an individual to assist the ratepayers in their questions, not a computer. He requested Representative Sumrall offer him a public apology.

Mayor Raymond C. Caballero commented on Representative Sumrall's professionalism during Council meetings.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limits to 30 M.P.H. within the construction zone for the intersection of Fred Wilson Avenue and Marshall Road, for the duration of the construction project. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limits to 25 M.P.H. within the construction zone for the intersection of Lee Trevino Drive and Montwood Drive, for the duration of the construction project. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limits to 30 M.P.H. within the construction zone for the intersection of Alabama Street and McKelligon Canyon Road for the duration of the construction project. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- D. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Museum Department), Section 2.40.020 (Fees), of the El Paso Municipal Code and Ordinance No. 14194, to provide for fees for admission to special exhibits at the El Paso Museum of Art and the El Paso Wilderness Park Museum.

PUBLIC HEARING WILL BE HELD ON AUGUST 6, 2002 FOR ITEMS A - D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of January 22, 2002.

***RESOLUTION**

WHEREAS, the City of El Paso, Texas, hereafter "City", owns certain property located within the Castner Range Subdivision in El Paso, Texas, more specifically described in the Right Of Entry Agreement ("Agreement"), a copy of which is attached hereto as Exhibit "A" (Exhibit on file with this Resolution in the City Clerk's Office) and incorporated herein by reference for all purposes; and,

WHEREAS, the YWCA is currently leasing a portion of the property, located within Lot 3, Block 1, Castner Range, and would like to lease additional property located within Lots 2 and 3, Block 1 Castner Range; and,

WHEREAS, the YWCA's proposal to amend the existing lease between the YWCA and the City, to allow development of the additional property for mixed-income senior housing, has been reviewed by the City's Development Coordinating Committee, which recommended approval of the amendment to the lease agreement with the YWCA subject to certain conditions, as set forth in the Right of Entry Agreement; and,

WHEREAS, pursuant to these conditions required by the City, the YWCA and its contractors, agents and employees, require access to, across and upon the property so as to conduct a survey of the property described in the Agreement as Parcels 1, 2 and 3; and,

WHEREAS, the City desires to grant access to the YWCA to perform the work as outlined herein;
NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign, on behalf of the City, a Right of Entry Agreement granting access to the YWCA to perform the work outlined in the Agreement.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Telecommunications Infrastructure Fund Board (TIFB) grant application and related documents for an LB 10 Grant between the Telecommunications Infrastructure Fund Board and the City of El Paso, on behalf of the El Paso Public Library, for the term of August 30, 2002, through August 31, 2003. The total amount of the Grant Application is \$248,113. The funds will be used for technology assistance to enable the El Paso Public Library to provide additional programs and computers for public use, particularly for teenagers. City matching funds are required in the amount of ten percent (10%), which are readily available in the Library Department budget.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

A RESOLUTION OF THE **CITY OF EL PASO, TEXAS** HEREINAFTER REFERRED TO AS "APPLICANT", DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE "APPLICANT" IN DEALING WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT, HEREINAFTER REFERRED TO AS "DEPARTMENT", FOR THE PURPOSE OF PARTICIPATING IN THE TEXAS RECREATION & PARKS ACCOUNT GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE "PROGRAM"; FOR THE AMOUNT OF FIVE-HUNDRED THOUSAND AND NO/00 DOLLARS (\$500,000); CERTIFYING THAT THE "APPLICANT" IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE "APPLICANT" MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND RECREATIONAL USES.

WHEREAS, the Texas Legislature has approved the "Program" (Section 24 of the Parks & Wildlife Code) for the purpose of allowing the political subdivisions of the State of Texas to participate in the Program; and

WHEREAS, the "Applicant" is fully eligible to receive assistance under the "Program"; and

WHEREAS, the "Applicant" is desirous of authorizing an official to represent and act for the "Applicant" in dealing with the "Department" concerning the "Program";

BE IT RESOLVED BY THE "APPLICANT":

SECTION 1: That the "Applicant" hereby certifies that they are eligible to receive assistance under the "Program".

SECTION 2: That the "Applicant" hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the "Applicant" hereby authorizes and directs its Mayor to act for the "Applicant" in dealing with the "Department" for the purpose of the "Program", and Mayor Raymond Caballero, is hereby official designated as the representative in this regard.

SECTION 4: The "Applicant" hereby specifically authorizes Mayor Raymond C. Caballero, to make application to the "Department" concerning the site to be known as Valley Creek Park in the City of El Paso, County of El Paso, Texas for use as a park site.

Representative Sariñana questioned where the matching funds would be coming from.

Representative Cobos responded Bond funds.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

*Motion made, seconded and unanimously carried to appoint Mervin Moore to the Public Utility Regulation Board by Representative Medina.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

- A. Leon Schydlower vs. City of El Paso; Cause No. 2002-2021, Our File No. 02-S-21 (551.071)
- B. Discussion regarding 4806 Titanic, Gloria Romero, owner. (551.071)

Motion made by Representative Escobar, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone one (1) week the discussion and action on Leon Schydlower vs. City of El Paso; Cause No. 2002-2021, Our File No. 02-S-21 (551.071)

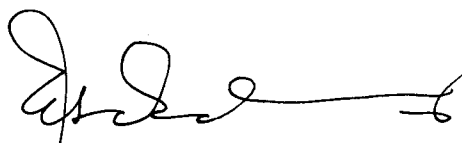
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO FILE A LAWSUIT** against Gloria Romero reference 4806 Titanic in the matter entitled **GLORIA ROMERO; Our File No. 02-COL-007**, as recommended by the City Attorney.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 11:50 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:


Richarda Duffy Momsen, City Clerk


Rita Rodriguez, City Attorney